

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2164**

As Agreed to March 26, 2025

Brief*

Senate Sub. for HB 2164 would create and amend law in the Kansas Offender Registration Act to make it unlawful for certain sex offenders to enter onto school property or attend a school activity, as defined by the bill. The bill would create an exception to allow an otherwise prohibited person to attend a religious service on school property.

The prohibition would apply to any registered sex offender who is:

- At least 18 years of age; and
- Convicted of a crime requiring registration involving a victim less than 18 years of age.

Penalties for Violation

A violation of the prohibited conduct would be classified as follows:

- Upon a first conviction, a severity level 7, person felony;
- Upon a second conviction, a severity level 5, person felony; and
- Upon a third or subsequent conviction, a severity level 3, person felony.

Exception—Religious Services

The bill would allow a person who would otherwise be prohibited from entering onto school property to attend a religious service when such school property is being used for a religious service, provided the person leaves school property immediately after such service.

Definitions

The bill would define the terms “school activity,” “school property,” and “nonpublic school.”

“School activity” would mean an activity sponsored by a unified school district or a non-public school at which students in kindergarten or any of the grades one through twelve, or

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children under the age of eligibility to attend kindergarten who attend a preschool program, are the primary intended participants or the primary intended audience, including, but not limited to:

- School instructional time;
- After school care;
- After school tutoring;
- Athletic events;
- School dances and social events;
- Field trips; or
- School plays or assemblies.

“School property” would mean property upon which is located a structure used by a unified school district or a non-public school for instruction, attendance, or extracurricular activities for student enrolled in kindergarten or any of the grades one through twelve or for children under the age of eligibility to attend kindergarten who attend a preschool program.

“Nonpublic school” would mean a private, non-profit, or parochial school that offers regular instruction for students at least four days per week during a school term. The bill would specifically exclude from the definition any homeschool, microschool, homeschool cooperative association, or non-accredited private school that has a total enrollment of nine students or fewer.

Conference Committee Action

The Conference Committee agreed to the provisions of Senate Sub. for HB 2164, as passed by the Senate, regarding the presence of certain sex offenders on school property. The Conference Committee further agreed to amend the bill by lowering the penalty for a first-time offense from a severity level 6 to a severity level 7 person felony and by adding an exception for religious service attendance.

Background

The Senate Committee on Judiciary recommended a substitute bill incorporating provisions pertaining to prohibiting certain sex offenders from entering onto school property or attending a school activity (amended provisions of SB 288). The original provisions of the bill were removed. [Note: HB 2164, as recommended by the House Committee on Federal and State Affairs and passed by the House, would have amended the Kansas Law Enforcement Training Act to authorize individuals who are 20 years of age to apply for certification as a law enforcement officer.]

SB 288 (Prohibiting Sex Offenders From Entering School Property or Activities)

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Dietrich on behalf of Senator Warren.

Senate Committee on Judiciary

In the Senate Committee hearing, **proponent** testimony was provided by the Johnson County District Attorney (DA) and representative of the Kansas County and District Attorneys Association (KCDAA); a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association; representatives of Children's Advocacy Centers of Kansas and Sunflower House Child Advocacy Center; and three private citizens. The proponents described a recent event in which a registered sex offender was allowed to attend a school dance and expressed concern that no Kansas law currently exists to prohibit sex offenders from entering onto school property or participating in school activities.

Written-only proponent testimony was provided by Senator Warren; the Superintendent of Blue Valley Schools; the Sedgwick County DA and representative of KCDAA; the Shawnee County DA and representative of KCDAA; representatives of the Kansas Coalition Against Sexual and Domestic Violence (KCSDV) and the Kansas National Education Association; and eight private citizens.

Neutral testimony was provided by a representative of the Kansas Association of School Boards, who voiced concerns that the bill may put schools in a difficult position to comply with both the provisions of the bill and other state and federal requirements pertaining to K-12 education.

A representative of Wichita Public Schools provided written-only neutral testimony.

Opponent testimony was provided by representatives of the State Board of Indigents' Defense Services (BIDS), the Just Future Project, and four private citizens. The opponents expressed concerns that the bill could increase recidivism rates of sex offenders by isolating them from their communities and could lead to costly constitutional challenges.

Written-only opponent testimony was provided by one private citizen.

The Senate Committee amended the bill to remove the requirement that a non-public school be accredited in order to be covered by the provisions of the bill and to add a definition of "nonpublic school."

[*Note:* The Conference Committee retained these amendments.]

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on SB 288, as introduced, BIDS indicates SB 288 would increase agency expenditures on legal counsel and support staff by unknown amounts. BIDS estimates that on average, a severity level 5 or 6 person felony case requires 57 hours of direct work by an attorney to provide constitutionally adequate representation. Based on the rates of \$83.36 per hour for public defenders and \$125 per hour for assigned counsel, each new severity level 5 or 6 person felony case brought to the agency would result in State General Fund (SGF) expenditures of \$4,752 to \$7,125.

BIDS indicates that on average, a severity level 3 person felony case requires 99 hours of defense attorney work. Therefore, each new severity level 3 person felony case brought to the agency would result in SGF expenditures of \$8,253 to \$12,375. BIDS indicates it may require

1.0 new FTE attorney position and possibly additional support staff, depending on the number of new cases brought to the agency under the bill.

The Judicial Branch indicates the bill has the potential to increase the number of cases filed in district courts. This may increase agency operating expenditures due to the additional time spent by district court judicial and non-judicial personnel in processing, researching, and hearing cases. However, the Branch is unable to calculate a precise estimate of this effect. The bill has the potential to increase the collection of docket fees that are deposited in the SGF; however, the amount of additional collections is unknown.

The Department of Corrections indicates the bill has the potential to increase agency operating expenditures depending on its effect on prison admissions and beds. Any fiscal effect associated with the bill is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties indicates the bill has the potential to increase county government expenditures on legal proceedings. The League of Kansas Municipalities indicates the bill would have no fiscal effect on cities.

According to the Prison Bed Impact Statement prepared by the Kansas Sentencing Commission on the bill, as introduced, the bill has the potential to increase prison admissions and the number of prison beds needed and may impact the workload of the Commission; however, a precise estimate of this effect cannot be determined.

Kansas Offender Registration Act; sex offenders; schools; crimes; religious services

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